Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/580,872	GAISSER ET AL.	
Examiner	Art Unit	
LAYLA BLAND	1623	

nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee mader 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originate post in the final Office action; or (2) as set forth in (6) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(m), to avoid dismissal of the date of filing the Notice of Appeal and Seen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3. □ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) □ They raise new issues that would require further consideration and/or search (see NOTE below); (b) □ They raise new issue of new matter (see NOTE below); (c) □ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) □ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: see attachment. (See 37 CFR 1.116 and 41.33(a)). 4. □ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. □ Applicant's reply has overcome the following rejection(s): 6. □ Applicant's reply has overcome the following rejection(s): 7. □ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claims(s) is (or wil		LAYLA BLAND	1623			
 I. Sim Pre reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affliative, or other evidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following filed periods: a) The period for reply expires 2 months from the mailing date of the final rejection. b) The period for reply expires 0n: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, however, will the stututory period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 708.07(i). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee mader 37 CFR 1.137(a) is calculated from: (1) the expiration date of the alternative prior date reply erigically set in the final Office action; or (2) as may reduce any examed patent ferm adjustment. See 37 CFR 1.726(b). VOTICE OF APPEAL. G) The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(a). MENDMENTS M The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) MENDMENTS M The propo	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress		
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The period for reply expires 3_months from the mailing date of the final rejection. The period for reply expires 0.11 (b) the mailing date of the final rejection whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MFEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.33(e). The date on which the petition under 37 CFR 1.33(e) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed in (b) above, if checked. Any reply received by the Office later than three morths after the mailing date of the final rejection, even if timely filed, nay reduce any examed patent term adjustment. See 37 CFR 1.704(b). See The Notice of Appeal was filed on	 The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C 	the same day as filing a Notice of <i>n</i> eplies: (1) an amendment, affidavital (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request		
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filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ★ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will pot be entered because (a) ★ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ★ They raise the issue of new matter (see NOTE below); (c) ★ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ★ They are not deemed to place the application in better form for appeal by materially rejected claims. NOTE: see attachment. (See 37 CFR 1.116 and 41.33(a)). 4. ★ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ★ Applicant's reply has overcome the following rejection(s): ★ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ★ For purposes of appeal, the proposed amendment(s): a) ★ will not be entered, or b) ★ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: none. Claim(s) objected to: 37-60. Claim(s) objected to: 37-60. Claim(s) withdrawn from consideration: none. AFFIDAVIT OR OTHER EVIDENCE 3. ★ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 3. ★ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be ente	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
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